



63-04

JFW

EXPRESS MAIL LABEL NO.: EV 333487345

PATENT

Attorney Docket No. 12636.305

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): RUBINFELD, Joseph)	Art Unit: Not yet assigned
)	
Application No.: 10/661,386)	Examiner: Not yet assigned
)	
Filed: September 12, 2003)	
)	
Title: Compositions and methods for treatment of)	
cancer)	
)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.



This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- (2) It is being filed within 3 months of entry of a national stage
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- a certification as specified in §1.97(e) is provided below; **or**
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; **and**
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No.), copies are not enclosed herewith.
- If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed



because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

- There are no listed references which are not in the English language.
- The relevance of those listed references which are not in the English language is as follows:
- Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
- Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.
- Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 12636.305).

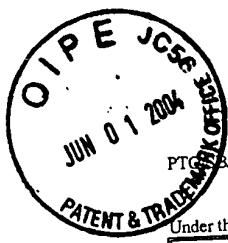
Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 6/1/04

By: Maya S
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Customer No. 021971



Comments if Known

Substitute for form 1449A/PTO
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Sheet 1 Of 2

<p>Under the Paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.</p> <p>Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i></p>				Complete if Known	
				Application No.	10/661,386
				Filing Date	09/12/2003
				First Named Inventor	Rubinfeld
				Art Unit	Not yet assigned
				Examiner Name	Not yet assigned
Sheet	1	Of	2	Attorney Docket No.	12636.305

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner's Initials	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)				
		WO 02/069903	09/12/2002	Biocryst Pharmaceuticals, Inc.		
EXAMINER SIGNATURE				DATE CONSIDERED		

EXAMINER: Initial if reference considered, whether or not citation is in each case. Initial and sign this form with next communication to applicant.

1 Applicant's unique citation designation number (optional) 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that
4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede

1 Applicant's unique citation designational number (specify), 2 The name of the person or entity that
issued the document, by the two-letter code (WIPO Standard ST. 3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must be
the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6

The first box has a check mark here if English language Translation is attached.

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Complete if Known

<p>Under the Paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.</p> <p>Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(Use as many sheets as necessary)</i></p>				Complete if Known	
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				Art Unit	Not yet assigned
				Examiner Name	Not yet assigned
Sheet	2	Of	2	Attorney Docket No.	12636.305

OTHER PRIOR ART - NON PATENT RELATED DOCUMENTS

ER PRIOR ART - NON PATENT RELATED

Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not applicable to claim under consideration.

BAAMINER Handwritten Name _____
considered. Include copy of this form with next communication to applicant.
_____ is to place a check mark here if English language Translation is attached.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language is not